

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MICHAEL D. WALLACE,

Plaintiff,

v.

405CV140

OFFICER J.A. WILLIAMS, JR.

Defendant.

ORDER

42 U.S.C. § 1983 inmate Michael D. Wallace brought this excessive force case (alleging that defendant J.A. Williams, Jr. repeatedly beat him while he was handcuffed) against three prison officials, two of whom were dismissed via F.R.Civ.P. 56 summary judgment, doc. ## 46, 49, and the final one prevailed against him at trial. Doc. ## 82, 83. Wallace appeals from an adverse jury verdict, doc. # 84, and moves leave to appeal *in forma pauperis* (IFP). Doc. # 89. Relatedly, he also has filed a "Motion To Pay Relief In Advance." Doc. # 88.

Here is the latter motion, in its totality:

Comes now Plaintiff Michael D. Wallace, in the above styled case. Ask this Court to grant the plaintiff relief for his motion to pay relief in advance. [¶] Now plaintiff, pray that this Court grant his relief for the above motion.

Doc. # 88 at 1.

In that motion # 88 is nonsensical, it is **DENIED**. As for Wallace's IFP motion, doc. # 89, he need not show that he will prevail on appeal, only "that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000). Plaintiff's moving papers, however, cite to nothing showing the F.R.Civ.P. 61-level

prejudice needed to demonstrate the good faith 28 U.S.C. § 1915(a)(3) and F.R.App.P. 24(a) demand. *See Hamilton v. Downs*, 68 F.Supp.2d 1380, 1382-83 (S.D.Ga. 1999). Indeed, he presents *no* issues on appeal, and nothing from his prior filings leaps out at the Court on that score.

Accordingly, Wallace's IFP motion (doc. # 89) also is **DENIED**. Nevertheless, the Clerk shall assess Wallace the \$455 appellate filing fee. *Bettis v. Jail Admin.*, 07-12549-E (11th Cir. 10/9/07) (unpublished).

This 29 day of October, 2007.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

2007 OCT 29 AM 11:01
CLERK M. A. Hill
SO. DIST. OF GA.

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